

## CONGRESSIONAL RECORD SUMMARY

Thursday, August 1, 2002, Part I

### HOUSE

*The House was not in session today.*

*Pursuant to the provisions of S. Con. Res. 132, the House stands adjourned for the Summer District Work Period until 2:00 p.m. on Wednesday, September 4, 2002.*

### SENATE

*Incomplete record of Senate proceedings.*

*Today's Senate proceedings will be continued in the next issue of the Record.*

#### Measures Reported:

**S. 2201**, to protect the online privacy of individuals who use the Internet, with an amendment in the nature of a substitute. (Senate Report No. 107-240)

**H.R. 2121**, to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society in that country and to support independent media, with an amendment in the nature of a substitute.

*Page D 869, See next issue*

#### Measures Passed:

**Department of Defense Appropriations Act:** By 95 yeas to 3 nays (Vote No. 204), *Senate passed H.R. 5010*, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, as amended, after agreeing to a committee amendment in the nature of a substitute, and after taking action on amendment/motion proposed thereto.

*Pages S 7793-S 7804, D 869-70*

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Inouye, Hollings, Byrd, Leahy, Harkin, Dorgan, Durbin, Reid, Feinstein, Kohl, Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, and Hutchison.

*Pages S 7804, D 870*

**Guam Foreign Investment Equity Act:** *Senate passed H.R. 309*, to provide for the determination of withholding tax rates under the Guam income tax, *clearing the measure for the President.*

*Page D 870, See next issue*

**Public Buildings, Property, and Works:** *Senate passed H.R. 2068*, to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, "Public Buildings, Property, and Works," *clearing the measure for the President.*

*Page D 871, See next issue*

#### H.R. 3009. Andean Trade Promotion and Drug Eradication Act Conference--Report:

By 64 yeas to 34 nays (Vote No. 207), ***Senate agreed to the conference report on H.R. 3009***, to extend the Andean Trade Preference Act, and to grant additional trade benefits under that Act, ***clearing the measure for the President.***

*Pages S 7768-93, S 7814-15, D 871*

**During consideration of this measure today, Senate also took the following action:**

By 64 yeas to 32 nays (Vote No. 203), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the conference report.

*Pages S 7774, D 871-2*

By 67 yeas to 31 nays (Vote No. 206), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive the Congressional Budget Act of 1974 with respect to the conference report. Subsequently, the point of order that the conference report violates section 302(f) of the Congressional Budget Act of 1974 was not sustained, and thus falls.

*Pages S 7815, D 872*

**H.R. 5005. Homeland Security Act--Agreement:**

A unanimous-consent agreement was reached providing that the pending cloture vote on the motion to proceed to consideration of **H.R. 5005, to establish the Department of Homeland Security**, be vitiated; that there be a time limitation of 7 hours on the motion to proceed to the bill, and that the time begin on Tuesday, September 3, 2002, at 9:30 a.m. Further, that at the conclusion, or yielding back of time, the Senate vote on the motion to proceed to consideration of the bill.

*Pages S 7776, D 872*

**Authority for a Committee:**

***A unanimous-consent agreement was reached providing that on Friday, August 2, 2002, notwithstanding an adjournment of the Senate, that the Finance Committee may report a bill, during the hours of 11 a.m. to 1 p.m.***

*Page D 872, See next issue*

**Nominations--Agreement:**

***A unanimous-consent agreement was reached providing that all nominations remain in status quo, notwithstanding the adjournment of the Senate during August.***

*Page D 872, See next issue*

**Nominations Confirmed:**

**Senate confirmed the following nominations:**

***By unanimous vote of 98 yeas (Vote No. EX. 205), Henry E. Autrey, of Missouri, to be United States District Judge for the Eastern District of Missouri.***

*Pages S 7807-9, D 872*

**Nominations Confirmed (Cont'd.):**

*"...Mr. President, the Senate Judiciary Committee moved expeditiously to consider Judge Henry Autrey*

*despite the poor treatment of President Clinton's nominees in the same circumstances. I mention this because this vacancy is special. It is a vacancy to which Justice Ronnie White should have been confirmed. But in October of 1999, my friends on the other side of the aisle, the Republicans, marched from a closed-door meeting to vote lockstep against Justice Ronnie White, the first African American Justice of the Missouri Supreme Court, after his nomination to the District Court had been kept waiting for 2 years--2 years here in the Senate; actually kept on the Executive Calendar pending for 9 months. I mention this because, with all the unfair criticism of Majority Leader Daschle, who has been moving judges through at a much faster pace than was done prior to him becoming majority leader, I just want to contrast the difference between that action and the one on this nomination, where we are going to confirm Judge Autrey to the Federal bench in Missouri..." (Leahy, page S 7807)*

***David C. Godbey, of Texas, to be United States District Judge for the Northern District of Texas.  
Henry E. Hudson, of Virginia, to be United States District Judge for the Eastern District of Virginia.  
Morrison C. England, Jr., of California, to be United States District Judge for the Eastern District of California.***

***Amy J. St. Eve, of Illinois, to be United States District Judge for the Northern District of Illinois.  
Richard E. Dorr, of Missouri, to be United States District Judge for the Western District of Missouri.  
David S. Cercone, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.***

***Timothy J. Savage, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.***

*James E. Boasberg, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.*

*J.B. Van Hollen, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years.*

*Peter A. Lawrence, of New York, to be United States Marshal for the Western District of New York for the term of four years.*

*Charles E. Beach, Sr., of Iowa, to be United States Marshal for the Southern District of Iowa for the term of four years.*

*Richard Vaughn Mecum, of Georgia, to be United States Marshal for the Northern District of Georgia for the term of four years.*

*Burton Stallwood, of Rhode Island, to be United States Marshal for the District of Rhode Island for the term of four years.*

*Pages S 7809-14, D 872-4, Continued next issue*

*"...Those who now seek to pretend that the Democratic majority in the Senate caused a vacancy crisis in the Federal courts are ignoring the facts. Under Republicans, court vacancies rose from 63 in January 1995 to 110 in July 2001, when the Committee reorganized. During Republican control before the reorganization of the Committee, vacancies on the Courts of Appeals more than doubled, increasing from 16 to 33. That is what we inherited. But in one year of Democratic control, and despite 45 additional vacancies caused largely by the retirements of many past Republican appointees, we have reduced the number of district and circuit court vacancies. Vacancies continue to exist on the Court of Appeals, in particular, because a Republican Senate majority was not willing to hold hearings or vote on more than half--56 percent--of President Clinton's circuit nominees in 1999 and 2000, and was not willing to confirm a single circuit judge during the entire 1996 session. Republicans caused the circuit vacancy crisis, and it has taken a tremendous effort to evaluate and have hearings for 18 circuit court nominees in our first year..." (Leahy, pages S 7813-14)*

#### **Nominations Received:**

**Senate received the following nominations:**

***Mark E. Fuller, of Alabama, to be United States District Judge for the Middle District of Alabama.***

*Rosemary M. Collyer*, of Maryland, to be *United States District Judge for the District of Columbia*.  
*Robert B. Kugler*, of New Jersey, to be *United States District Judge for the District of New Jersey*.  
*Jose L. Linares*, of New Jersey, to be *United States District Judge for the District of New Jersey*.  
*Freda L. Wolfson*, of New Jersey, to be *United States District Judge for the District of New Jersey*.  
*Richard J. Holwell*, of New York, to be *United States District Judge for the Southern District of New York*.

*Gregory L. Frost*, of Ohio, to be *United States District Judge for the Southern District of Ohio*.

*Charles E. Erdmann*, of Colorado, to be a *Judge of the United States Court of Appeals for the Armed Forces* for the term of fifteen years to expire on the date prescribed by law.

*Carol Chien-Hua Lam*, of California, to be *United States Attorney for the Southern District of California* for the term of four years.

*Antonio Candia Amador*, of California, to be *United States Marshal for the Eastern District of California* for the term of four years.

*Thomas Dyson Hurlburt, Jr.*, of Florida, to be *United States Marshal for the Middle District of Florida* for the term of four years.

*Christina Pharo*, of Florida, to be *United States Marshal for the Southern District of Florida* for the term of four years.

*Dennis Arthur Williamson*, of Florida, to be *United States Marshal for the Northern District of Florida* for the term of four years.

*Joseph R. Guccione*, of New York, to be *United States Marshal for the Southern District of New York* for the term of four years.

*Page D 874, See next issue*

#### **Committee Meeting:**

**Committee on the Judiciary:** *Committee concluded hearings on the nominations of Reena Raggi, of New York, to be United States Circuit Judge for the Second Circuit, Lawrence J. Block, of Virginia, to be a Judge of the United States Court of Federal Claims, James Knoll Gardner, to be United States District Judge for the Eastern District of Pennsylvania, and Ronald H. Clark, to be United States District Judge for the Eastern District of Texas, after the nominees testified and answered questions in their own behalf.*

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**Next SENATE MEETING: Tuesday, 9:30 a.m., September 3, 2002.**

**Next HOUSE MEETING: Wednesday, 2:00 p.m., September 4, 2002.**

**OLA: S. Schwarz, A. Santos**